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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11 United States of America,

12 Petitioner,

13 v.

14 Hank Risan,

15 Respondent.

Case No. 5:17-cv-02195-HRL

STIPULATION AND ~~PROPOSED~~ ORDER  
 PARTIALLY ENFORCING SUMMONS

17 Petitioner the United States of America ("United States"), on behalf of the Internal Revenue  
 18 Service ("IRS"), and Respondent Hank Risan ("Respondent") by and through undersigned counsel,  
 19 having met and conferred regarding the United States' Verified Petition to Enforce Internal Revenue  
 20 Service Summons, filed on April 19, 2017 (Doc. # 1) ("Petition"), hereby stipulate and request that the  
 21 Court enter the attached proposed order, and state as follows in support:

22 By way of the Petition, the United States seeks an order enforcing an IRS summons issued to  
 23 Petitioner on or about November 4, 2016. A copy of the summons at issue was attached as Exhibit 2 to  
 24 the Petition. Among other things, the summons at issue included 14 Requests seeking certain categories  
 25 of documents. With respect to Request # 4 in the summons, Respondent has agreed to produce a listing  
 26 of all business entities with respect to which Respondent was an owner, partner or shareholder, or any  
 27 business with any bank account upon which Respondent was an authorized signer, or any business on  
 28 behalf of which Respondent signed any tax return. With respect to Requests # 5, 6, 7, 9, 10 and 14 in

1 the summons, Respondent has agreed to produce the following documents pertaining to any entity listed  
2 on Respondent's Schedule Cs for 2014 and/or 2015, as well as any other entities whose financial  
3 performance in any year affected Respondent's income tax returns for 2014 and/or 2015 (including by  
4 way of a net operating loss):

- 5 a. Financial Statements (Balance Sheet; Income Statements Etc.),
- 6 b. Working Trial Balance with account numbers,
- 7 c. Chart of Accounts,
- 8 d. Adjusting and closing journal entries,
- 9 e. Check registers,
- 10 f. Cash disbursements journals,
- 11 g. Cash receipts journals,
- 12 h. General ledger,
- 13 i. Sales Journals, Purchases journals, and
- 14 j. Other workpapers used in the preparation of the financial statement(s).

15 Respondent has represented to the United States that Respondent has no documents responsive to  
16 Requests # 8, 11, 12 and 13 in the summons.

17 Accordingly, the parties hereby request the Court issue the attached [~~Proposed~~] Order  
18 memorializing the parties' agreement with respect to certain portions of the summons at issue.

19 The parties further respectfully request that the Court retain jurisdiction over this matter to  
20 adjudicate any disputes which may arise with respect to compliance with the attached [~~Proposed~~] Order,  
21 or with respect to portions of the summons that are not addressed herein.

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1 Respectfully submitted this 25th day of August, 2017,

2 BRIAN J. STRETCH  
3 United States Attorney

4 s/ Michael G. Pitman  
5 MICHAEL G. PITMAN  
6 Assistant United States Attorney, Tax Division  
7 Attorneys for United States of America

8 s/ John F. Doyle  
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17 Attorneys for Respondent Hank Risan

18 ~~[PROPOSED]~~ ORDER

19 Pursuant to the Stipulation of the parties, and for good cause shown therein, it is hereby  
20 ORDERED that the United States' petition to enforce the IRS summons is GRANTED in part.  
21 Respondent is ORDERED to produce the following documents called for by the terms of the summons  
22 at issue in this matter to the Attorneys for the United States at 150 Almaden Blvd., Suite 900, San Jose,  
23 CA 95113, no later than September 14, 2017:

24 1) With respect to Request # 4 in the summons, Respondent shall produce a listing of all  
25 business entities with respect to which Respondent was an owner, partner or shareholder, or any  
26 business with any bank account upon which Respondent was an authorized signer, or any business on  
27 behalf of which Respondent signed any tax return.

28 2) With respect to Requests # 5, 6, 7, 9, 10 and 14 in the summons, Respondent shall  
produce the following documents pertaining to any entity listed on Respondent's Schedule Cs for 2014  
and/or 2015, as well as any other entities whose financial performance in any year affected  
Respondent's income tax returns for 2014 and/or 2015 (including by way of a net operating loss):

- a. Financial Statements (Balance Sheet; Income Statements Etc.),
- b. Working Trial Balance with account numbers,
- c. Chart of Accounts,
- d. Adjusting and closing journal entries,
- e. Check registers,
- f. Cash disbursements journals,
- g. Cash receipts journals,
- h. General ledger,
- i. Sales Journals, Purchases journals, and
- j. Other workpapers used in the preparation of the financial statement(s).

3) With respect to Requests # 8, 11, 12 and 13 in the summons, Respondent shall produce responsive documents to the extent he is in possession or control of them.

SO ORDERED this 28th day of August, 2017.

  
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THE HONORABLE HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE